

Message Text

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ACTION NEA-09

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FM USINT BAGHDAD

TO SECSTATE WASHDC 1676

INFO AMEMBASSY BEIRUT

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EO 11652: NA DECON 12/31/76

TAGS: CASC IZ

SUBJ: BOEING INCIDENTS

REF: BAGHDAD 148, 162 AND 163

1. SUMMARY: USINT HAS CONTACTED LOCAL ATTORNEY IN ORDER CLARIFY RIGHTS OF INDIVIDUALS/COMPANIES WITH REGARD TO INCIDENTS SUCH AS RECENT BOEING DEVELOPMENTS. APPEARS SEARCH WAS WITHIN LIMITS OF LEGALITY ALTHOUGH MEN WHO CONDUCTED SEARCH THEORETICALLY WERE OBLIGED TO IDENTIFY SELVES AND PRESENT SEARCH WARRANT. BOEING NOW ANXIOUS THAT REPEAT PERFORMANCES DO NOT OCCUR SINCE IT COULD BE DIFFICULT, IF NOT IMPOSSIBLE TO RECRUIT NECESSARY STAFF TO ASSIST IRAQI AIRWAYS IF PROBLEMS CONTINUES. WHILE SITUATION HAD APPEARED DORMANT IMMEDIATELY FOLLOWING INITIAL HARRASSMENT, MOST RECENT EVENTS SHOW THAT IRAQIS MAY STILL HAVE BONE TO PICK WITH BOEING. END SUMMARY.

2. BEGIN UNCLASSIFIED. IN ORDER DEVELOP LEGAL SETTING REVELANT TO RECENT BOEING SEARCH AND SEIZURES (REFTELS) USINTOFFS SOUGHT ADVICE FEB 20 OF WELL-KNOWN LOCAL CORPORATION LAWYER. HIGHLIGHTS OF HIS BRIEF ROUGHLY THE FOLLOWING: INTERIM CONSTITUTION OF IRAQ ASSURES CITIZENS AND FOREIGNERS LEGALLY PRESENT IN IRAQ RIGHTS OF PRIVACY. SEARCHES MAY BE AUTHORIZED ONLY FOR PROBABLE
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CAUSE ON MAGISTRATE'S WARRANT. IRAQI POLICE/SECURITY

GENERALLY PUNCTILIOUS IN COMPLYING WITH LAW ALTHOUGH THIS MERELY MEANS "TAME" MAGISTRATE RUBBER STAMPING WARRANTS. HOWEVER, PERSON WHO IS BEING DETAINED OR WHOSE PREMISES BEING SEARCHED HAS CLEAR RIGHT TO KNOW IDENTITY OF DETAINING PARTY, TO SEE WARRANT, TO HAVE PRESENT LAWYER AND INTERPRETER OF HIS CHOICE. ANY ITEM IN THE PLACE MAY BE SEARCHED BUT IF IT HAS BEEN LEGALLY BROUGHT INTO COUNTRY, IT MUST BE RETURNED TO OWNER UNLESS BEING USED AS EVIDENCE IN COURT PROCEEDINGS. END UNCLASSIFIED.

3. BEGIN LOU. BOEING MAN INTERVIEWED FIRST INCIDENT (BAGHDAD 148) DID NOT, SO FAR AS WE KNOW, DEMAND SEARCHERS' IDENTITY OR EVIDENCE OF THEIR AUTHORITY TO SEARCH. ACCORDING LAWYER WE CONSULTED, BOTH REQUESTS WOULD NORMALLY HAVE BEEN PROMPTLY ACCEEDED TO. NOR DID BOEING EMPLOYEE ASK FOR LAWYER (OUR SOURCE ADMITTED FEW LAWYERS WOULD HAVE RELISHED BEING PRESENT IN ANY CASE). SOURCE SAID BOEING MAN PROBABLY DID BEST THING UNDER CIRCUMSTANCES BY IMMEDIATELY OPENING RESIDENCE TO SEARCHERS--THUS SHOWING HE HAD NOTHING TO HIDE.

4. WHAT HAS BOEING'S REACTION BEEN? SENIOR BOEING RESREP TOLD US AS RECENTLY AS 18 THAT HE WAS HAVING DIFFICULT TIME PERSUADING HIS RESIDENT STAFF NOT TO PANIC AND SCRAMBLE TO GET OUT OF IRAQ ASAP. WORD HE WAS RECEIVING FROM SEATTLE WAS THAT BOEING'S FIRST GOAL WAS TO SAVE ITS SALES AND TECHNICAL SERVICE AGREEMENT. COMPANY WOULD MAKE EVERY EFFORT TO IMPRESS ON IRAQI AIRWAYS IMPORTANCE OF AVOIDING RECURRENCES OF APPARENTLY POINTLESS, PETTY HARRASSMENT. IF INCIDENTS CONTINUED HOT AND HEAVY, HOWEVER, WE WERE TOLD THAT BOEING WAS PREPARED TO CUT ITS LOSSES AND BACK AWAY FROM CONTRACT.

5. WHAT IS BEHIND THE SEARCHES? BOEING'S LOCAL REP TOLD USINT THAT HE INCLINED TO AGREE WITH BOEING'S LOCAL LAWYER'S ASSESSMENT THAT AN UNNAMED COMPETITOR IN THE AIRCRAFT MANUFACTURING BUSINESS MAY HAVE MADE FALSE ACCUSATION SIMPLY TO DRIVE BOEING OUT OF IRAQ AND GIVE THEMSELVES ACCESS TO MAKRET. OTHER MORE REMOTE, ACCORDING LOCAL REP, POSSIBILITY IS THAT GOI SERVING NOTICE THAT LIMITED OFFICIAL USE

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BOEING HAD BETTER KEEP ITS SKIRTS CLEAN AND NOT INCLUDE AMONG ITS STAFF ANY MOONLIGHTING FOREIGN GUMSHOES. THIRD POSSIBILITY: ONE OF BOEING PEOPLE MAY HAVE STEPPED ON TOES OF HIS COUNTERPART WHO MADE ANONYMOUS DENUNCIATION. IN OTHER WORDS, WE DON'T KNOW AT THIS POINT WHAT WAS BEHIND INCIDENT. ODDS ARE IT WILL NOT BE REGULARLY REPEATED - BECAUSE NOT NECESSARY. IF A DELIBERATE MESSAGE WAS BEING SENT, BOEING DID NOT NEED TO HEAR IT MORE THAN

ONCE TO TAKE NOTICE.

6. AT MEETING MORNING OF FEB 22 WITH JOHN FRANK ET AL
TO INTRODUCE ROY MEYERS, NEWLY ARRIVED TEAM CHIEF FOR
BOEING, IT WAS LEARNED THAT ON FEB 20 GUARDS WHO WERE
INITIALLY ASSIGNED BY IRAQI AIRWAYS TO "PROTECT" BOEING
HOUSE AND WHO HAD DISAPPEARED FOLLOWING EVENTS RELATED
BAGHDAD 148, HAVE NOW RETURNED TO ERECT WOOD SHACK IN
MIDDLE OF DRIVEWAY MANSOUR RESIDENCE. SHACK PRUPORTEDLY
WILL SERVE AS NEW QUARTERS FOR GUARDS WHO UNTIL NOW HAVE
ONLY PROVED IRRITATING AND INTIMIDATING. BOEING
PEOPLE PLAN TO WAIT UNTIL ABU KHALIL'S RETURN
FROM LONDON BEFORE THEY TAKE UP ISSUE OF
REMOVING SHANTY.
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